

LEWIS TO TELL GRAND JURY

OF INSIDE OPERATIONS OF THE CUMMINS CARNEGIE CROWD.

Boasts by Cummins of His Pull on City Deposits Said to Figure—Inquiry Now Directed at the City Chamberlain and the State Banking Department.

Liston Leone Lewis, who was the legal adviser of William J. Cummins and who was a director in the Carnegie Trust Company when Cummins was getting money right and left from bankers by telling them that he was a friend of City Chamberlain Hyde and could swing city deposits, will be a witness to-day before the Grand Jury. Mr. Lewis has consented to give the Grand Jury the benefit of his inside knowledge of the operations of the Cummins crowd and to tell what he knows about Cummins's boasts that Mr. Hyde would do what Cummins requested.

Mr. Lewis has been from the District Attorney's point of view one of the most interesting figures in the Carnegie's wide range of activities. Judge Whitman appears to think that Lewis can corroborate a lot of things that have been testified to before the Grand Jury concerning Cummins's marked success in getting loans and concerning note transactions that have been looked upon with suspicion by the State Banking Department and the Grand Jury. It is surmised also that Mr. Lewis may be able to supply information about cash that disappeared from the Carnegie's Trust Company's counters while bank examiners were around.

The lawyer who will talk about Cummins, Hyde and others to-day has been a director of the Carnegie Trust Company for several years. First in this town a member of the law firm of Hatch, Keener & Clute, he later formed a partnership with Judge William A. Keener, who was also a director of the Carnegie. They had offices at 115 Broadway in the same building with the trust company. Then Keener and Lewis had a misunderstanding over Carnegie Trust Company matters and Lewis withdrew.

It is understood that Lewis has made a pretty full statement to the District Attorney and that he is ready to repeat the statement before the Grand Jury. He will be asked, it is conjectured, what Cummins ever said to him personally about Cummins's relations with the City Chamberlain and if Cummins ever told him that certain loans had been obtained on condition that Cummins would get city deposits for the banks that obliged. The Grand Jury may want to know why Lewis's law clerk, William Ferguson, was permitted to make a renewal note for \$250,000 to cover up loans that Robin of the Northern Bank had obtained from the Carnegie. There was some quick action here, the Grand Jury has already been told. A tip got to the Carnegie shortly before it closed that the bank examiners would walk in a such and such a time on such and such a day. Windy weather became necessary, Robin testified. So Robin notes were gathered up, wiped off the books and gathered into a single renewal note drawn by Ferguson, the clerk. Ferguson has explained that he was advised that there would be no violation of law or any wrong action committed in covering up Robin. He was told, he says, that it wasn't considered a good thing to let the examiners see Robin's name on the books.

Also in connection with this transaction there will be a question of window dressing manifested by the Grand Jury as to why the collateral that Robin put up—the stocks and bonds of the South Shore Traction Company, the Northern Bank and the Fidelity Development Company—was sold at auction a few days ago for \$95,000—were handed back to Robin. Robin has testified that he knew nothing about the substitution of notes.

Another subject of interest for the Grand Jury probably will be Mr. Lewis's explanation as to why he signed himself as one of the nine guarantors to the four notes for \$600,000 each that Cummins made when the project to get control of the Van Norden string of banks was put in movement. One of these notes was drawn by the Independent Fertilizer Company, which had been put out of business by a court decision and didn't have a dollar's worth of assets anyway. Moreover Mr. Lewis will be asked to explain how the stock of the Platt Iron Works was switched from George L. Dyer to Andrew Carnegie without Dyer's knowledge when Mr. Carnegie responded to appeals of Clark Williams and others to help Mr. Carnegie.

The Grand Jury enters this week on what the District Attorney considers the most important phases of the whole inquiry. The internal affairs of the Carnegie Trust Company—matters such as the alleged larceny of \$335,000 by William J. Cummins for which Cummins was three times indicted—have been subordinated now to two lines: Was there an actual arrangement by which four national banks and fifteen State banks and trust companies were to get city deposits for giving Cummins money on no security? And was there grafting by bank examiners which was known to bankers and covered up through fear of getting "in bad" with influential persons?

Judge Whitman expects that several bankers who have been subpoenaed and who have had a week to study the questions and directions attached to the subpoenas will appear this afternoon. The District Attorney has already been informed that the attitude of the nineteen bank officials under subpoena is friendly and that they are rather inclined to welcome inquiry. All of them submitted the list of questions and directions to their lawyers as a matter of course. The District Attorney has described the character of the questions and suggestions as an inquiry meant to cover the administration of City Chamberlain Hyde up to date and the work of the State Banking Department in 1909, 1910 and this year.

The Grand Jury is expected to indict this afternoon a former president of the Carnegie Trust Company, the indictment to be based on an alleged misdemeanor—failure to report to the directors a change of entry in connection with the \$127,000

SHEEHAN TO STAND BY CAUCUS

IF IT REOPENS SENATE NOMINATIONS HE ASSENTS.

And if It Chooses a New Man That Will Be Binding on Him Too—But He Will Not Decline the Nomination or Withdraw His Candidacy From the Caucus.

William F. Sheehan issued yesterday a statement wherein he reaffirms his position of February 28 as to the United States Senatorship and pointedly adds concerning the new joint caucus of Democratic legislators called for 9:30 this evening:

"If and when a majority of the Democratic representatives shall decide in caucus to reconsider the vote by which I was nominated for United States Senator, to any person participating therein who feels that he is thereafter bound to continue to vote for me because of the prior caucus action I say that the decision of the new caucus should be as binding and effective as the first. If as the result of the caucus it shall be determined to again proceed to the nomination of a candidate for United States Senator, to any man who considers that he is bound for any reason other than his own sense of duty to vote for me, I release him so that he may vote for whom he will. Should a majority of the Democratic representatives choose another man myself as the party candidate for United States Senator, such action, in my opinion, will operate as a release from all the obligations of the prior caucus."

Mr. Sheehan at his home explained last evening the meaning of the foregoing paragraph in his letter to be that he, being the candidate of the Democratic party of the State, cannot release any Democrat who has been voting for him since January 16 any more than he can withdraw as the candidate of his party, but that only the Democratic party as represented by the majority in the new joint caucus of the Democratic legislators can release any Democratic legislator who has been voting for him. Mr. Sheehan's letter in full is as follows:

To the Democratic members of the Legislature of the State of New York:

By the unanimous vote of the Democratic members of the Legislature a caucus has been called for Monday evening next to consider the matter of the United States Senator.

My position on the Senatorship has never been a matter of doubt. I have said and I now reiterate that under no circumstances will I decline the nomination which was given me by the unanimous vote of the Democratic caucus held on January 16 last, nor will I acquiesce in any suggestion that my name shall not be presented for consideration in any future Democratic caucus.

In a letter addressed to the Democratic members of the Legislature on February 28 I said:

"I cannot, as the representative of my party, release men elected as Democrats from an obligation which they owe to the party and not to me. I bear no contractual relations with those who are not members of the party. I have no right to release them. The party must do so, not the party candidate."

"I shall remain as my party's candidate for United States Senator so long as the party desires me to do so, no matter what the personal consequences to me may be. I will not by word or deed do anything that will justify the minority in their efforts to frustrate the declared will of the majority. If, however, the majority of all the elected Democratic Senators and Representatives shall call a caucus to reconsider the Democratic caucus held on January 16, I shall loyally abide by the decision of that caucus and if such caucus shall decide that another man myself shall be chosen to carry the party standard, which I have been carrying since January 16, 1911, I will give to such candidate my unqualified and wholehearted support, but short of such action I shall not be a party to the destruction of the principle of majority rule."

From that position I have not deviated and will not deviate a hair's breadth. If and when a majority of the Democratic representatives shall decide in caucus to reconsider the vote by which I was nominated for United States Senator, to any person participating therein who feels that he is thereafter bound to continue to vote for me because of the prior caucus action, I say that the decision of the new caucus should be as binding and effective as the first. If as the result of the caucus it shall be determined to again proceed to the nomination of a candidate for United States Senator to any man who considers that he is bound for any reason other than his own sense of duty to vote for me, I release him so that he may vote for whom he will. Should a majority of the Democratic representatives choose another man myself as the party candidate for United States Senator, such action, in my opinion, will operate as a release from all the obligations of the prior caucus. In the event that a Democrat other than myself shall be selected I am sure no Senator or member of Assembly will affront me by continuing to vote for me in the new assembly. If, however, those who participated in the first caucus or any others who may not have participated therein desire to vote for me in the new caucus they have my full consent to do so. Even if there be but a single Democratic representative who desires to vote for me in the caucus I will not offend the loyal and courageous men who have been supporting me since my nomination by saying to any of them that he shall not do so. Respectfully yours, WILLIAM F. SHEEHAN.

New York, March 25.

Mr. Sheehan's friends issued yesterday a document in which are briefly summarized some of the endorsements received by Mr. Sheehan since his nomination for United States Senator. In the list there are several petitions from Democrats and others of weight in Cayuga county calling upon Assemblyman Nelson L. Drummond to support Mr. Sheehan.

These endorsements came from Democrats and others who nominated and supported Thomas Mott Osborne for Mayor of Auburn. Mr. Osborne has been especially active in his opposition to Mr. Sheehan. Then two constituents of Senator Loomis, Senator Bruce, Senator White and Assemblymen Burr, Shortt, Fry and Martin have called upon them to support Mr. Sheehan, the candidate of the Democratic caucus. Assemblyman Day and nearly all other of the anti-Sheehan legislators at Albany have received petitions, reiterated petitions, from the Democrats in their districts calling upon them to support Mr. Sheehan.

The Democratic bolters, led by Senator Roosevelt and his friends, however, have refused to heed the requests of their constituents.

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INSURGENTS WON'T CAUCUS.

Latest Bulletin From Albany Says That They Will Stay Out.

ALBANY, March 26.—Late to-night it became apparent the insurgents were not going into the second Democratic caucus to be held to-morrow night at 9:30 o'clock. After Senator Roosevelt had talked with Gov. Dix at the Executive Mansion to-night Senator Roosevelt was asked if he was going into the caucus. He replied:

"I will not know definitely until 9:25 o'clock to-morrow. My impression, however, is the insurgents will not go into the caucus."

After the Roosevelt statement a friend speaking for the insurgents announced that the insurgents were afraid it was planned to have numerous candidates for Senator voted for but no choice at the caucus to-morrow night or on Tuesday, and then by Wednesday if enough insurgents had been inveigled into the caucus Tammany would throw its whole vote to Daniel F. Cohalan and nominate him for Senator and then dare the insurgents not to vote for him in the Legislature after attending the party caucus. It was for this reason, it was announced, the insurgents were inclined not to attend the caucus.

MARY ANDERSON WRITES A PLAY.

Actress, Now Mme. de Navarro, Dramatizes "Garden of Allah" With Hiehens.

LONDON, March 26.—Mrs. Antonio de Navarro, who was known on the stage as Mary Anderson, has written in collaboration with Robert Hiehens a five act play founded on the latter's book "The Garden of Allah." The play is to be produced at an early date by George Tyler, who has secured both the American and the English stage rights.

Mme. de Navarro and Mr. Hiehens are both visiting at Biskra, an oasis in the desert of the Sahara, where some of the scenes of the play are laid.

It is hoped that Forbes Robertson will consent to appear here in the original production.

DRIFTED ASHORE AND DIED.

Had Managed to Keep Afloat After Falling Off Ferryboat.

Dennis L. O'Brien, a building contractor of 1033 Third avenue, fell overboard from the ferryboat Manhattan while on a trip from Long Island City to East Thirty-fourth street early yesterday morning.

O'Brien was not seen again from the boat, but he managed to keep afloat until he drifted into the foot of East Forty-second street and was pulled out of the water by Charles Kiehn, captain of the canal boat Neil Doyle.

Kiehn sent in a call for an ambulance, but O'Brien died shortly after Dr. Kent arrived.

TR. MT. MCKINLEY IN 1912.

Parker and Browne Will Tackle Northeast Side—Think Lloyd Made Summit.

TACOMA, March 26.—Prof. Herschel C. Parker of Columbia University and Belmont Browne, the Tacoma mountaineer, will head another expedition up Mount McKinley in the spring of 1912. Browne and Parker will be accompanied by Merl Lavo and Arthur Allen, Alaskans, who were with them on their attempt to reach the summit a year ago.

Browne will leave here next May for mining properties that he and Parker located in the Valdez district. Prof. Parker will join him in July. They will wait until February, when they will leave for the Mount McKinley district via Cook Inlet.

According to present plans they will reach the base of the mountain in March, 1912, and then begin their assault on its icy slopes. They expect to be on the mountain a month or six weeks. They will attempt to ascend the northeast side.

Belmont Browne now speaks in high terms of Tom Lloyd, the Alaskan, who headed the famous Fairbanks expedition up the mountain. "Both Prof. Parker and myself feel there is good ground to believe that Lloyd reached the top," said Browne, "but the first reports published of his expedition were so full of mistakes and contradictions that an explorer could not make head or tail of them."

"In 1906, when within twenty-five miles of the mountain, we started for the northeast side, but then swung off to the south side. Many persons wanted us to try the northeast side, but Prof. Parker and myself were urged by societies interested in exploration to clear up the mystery of the south side of the mountain, a rugged labyrinth of great cliffs and giant glaciers whose course had not been traced."

"In consequence we went to the south side, impelled partly also by the controversy that had arisen regarding Dr. Cook's claim to the conquest of the mammoth mountain. We desired to find out what he had done. He alleged that he climbed the mountain from the south side."

PORTUGUESE ARMY PLOT.

High Officers and Prof. Aguiar Accused of Conspiracy to Restore King.

Special Cable Despatch to THE SUN.

LISBON, March 26.—In consequence of the discovery of a military conspiracy against the republic at the town of Vizeu three high army officers have been arrested, as well as Prof. Aguiar of the University of Coimbra, who is accused of complicity in the alleged plot.

FACTORY FIRE

DEAD NOW 142

Two More Bodies Found After Night and Day Search.

MORGUE FULL OF HORROR

A Hundred a Minute Came Those Who Sought Their Dead.

Firemen Wading Through the Cellar Look Up to See the Bodies of Two Young Women Lying on the Steam Pipes.

Driscoll Orders the Police to Drive Away the Merely Curious—Women Faint When They See the Charred Corpses—Most of the Identifications Made Early in the Day—Crowd in Washington Square From Early Morning Until Rain Drives Them Away.

Searchlights on fire apparatus played into the holes that once were windows of the Asch Building at Washington place and Greene street until dawn yesterday morning, and throughout the night firemen carrying lanterns searched the ruined shirtwaist factory floors until daylight came again.

The firemen found two bodies yesterday, and counting a skull as a separate body this raised the police count of the dead to 142.

In the early morning hours yesterday firemen who had begun to wade through the water in the basement before it had been pumped out felt around many times in the water under a hole in the sidewalk vault lights of Greene street, a hole made by falling bodies, but discovered nothing beneath the surface of the water. One of the firemen happened to look upward while passing and so found two bodies of young women beneath which he and his companion had walked many times since daylight.

The dead girls were lying on a lattice of steam pipes about four feet below the hole in the vault lights. Their bodies had broken the concrete and glass-vault lights of the pavement and had fallen through the sidewalk hole to the steam pipes.

One of the women wore a locket with the initials "J. T." engraved on it and the other a pair of earrings set with chip diamonds.

About 9 o'clock yesterday morning Charles Alchman of Fire Patrol 2 found part of an arm and shoulder near the north end of the cutting room of the eighth floor, where the fire started, beneath a pile of wet plaster and bits of warped sewing machines. Shortly after this a hand was found on the window ledge of the fifth floor on the Greene street side, evidently broken from the wrist of a falling body. By nightfall two charred arms and a burned foot were found on the ninth floor.

Many Pushed From Windows.

The windows of the burned floors, a SUN reporter noted yesterday afternoon, began so close to the floor that the sills are just a few inches below the knees of one standing beside the window. It was evident that many girls therefore whether they wanted to jump or not must have been shoved out of the windows by the press behind them.

Max Blanck of Harris & Blanck, owners of the Triangle company, told the reporters yesterday that it was against orders to smoke in their lofts. The reporters yesterday while clambering over the debris on the eighth floor at the place where the fire started saw amid the half burned pocketbooks, shoes and other bits of clothing a scorched cigarette box. In another part of the building were a number of half smoked cigarettes lying on the floor. Around some of the bodies of the men who jumped and in the pockets of their clothes were quantities of matches. Chief Croker said yesterday that he believed the fire was caused by a smoker, who tossed either a match or a lighted cigarette on the floor among the piles of inflammable flimsy stuff.

When Chief Croker entered the building shortly after 8 o'clock yesterday morning the only living thing he came across was a mouse scrambling across the wreckage piles on the eighth floor. The fire chief picked the mouse up and carried it in his pocket for some time afterward.

COUNTRY BOYS ENCEL.

Show Up Better Physically Than Those From the Cities.

ITHACA, March 26.—Students from the country districts show up better physically than those from the cities, according to a compilation made by men in the department of history and political science at Cornell University. From the measurements of 1,723 students who entered in 1908 and 1909 the statistics were obtained. There were 991 men from the country and 732 city bred students. For the purposes of the tables every place with a population of 25,000 was considered a city. The statistics show that the country bred students were half an inch taller, three and a half pounds heavier and had slightly greater chest expansions.

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SEEKING TO PLACE

BLAME FOR FIRE

City Dotted With Dangerous Buildings, Say the Officials.

FIRE DEPARTMENT VIEWS

Waldo and Croker Say They Are Powerless to Prevent Such Disasters.

District Attorney Whitman learned yesterday that there are in Manhattan 103 or more loft buildings similar in type and construction to the Asch Building at Washington place and Greene street that are not equipped with fire escapes or appliances for fire control. He was told also that there are several hundred factory buildings that have been inadequately inspected by the Building Department or that have violated the State laws or the regulations of the Building Department.

Judge Whitman believes that there is material for a sweeping investigation by the Grand Jury to determine who is responsible for such dangerous conditions. He doesn't want to be hasty in assuming that disasters such as that of Saturday afternoon are likely to occur in any of the buildings that have been mentioned to him, but Fire Chief Croker, underwriters, former officials of the State Labor Department and officers of the Consumers League have agreed absolutely in representing to him that Saturday's loss of life may be duplicated any day.

Judge Whitman and Assistant District Attorneys Bowditch, Manley and Rubin, who have been assigned to collect evidence as to the responsibility for the Asch Building fire, have been told that inspections have been disgracefully lax and that despite the outspokenness of Fire Chief Croker nothing has been done by the Building Department to hold the proprietors of loft, office and commercial buildings up to the law.

Inspections—And Nothing More.

The District Attorney is informed that all through the factory district in which the Asch Building is located, as well as generally in Manhattan, between Canal and Twenty-fifth streets and from river to river, proprietors of such buildings have not been compelled to install sprinklers, automatic fire alarms or other safety appliances or to maintain fire escapes or to keep doors of egress unlocked. He was told the inspectors of the Building Department appear to make their rounds regularly enough, but that the dangerous conditions have persisted just the same.

While the District Attorney hasn't received an official report as yet from the assistant attorneys and does not desire for that reason to issue an official statement in regard to the peril that Chief Croker and others say factory employees and clerks in big commercial buildings are subjected to every day, he is convinced that the unofficial statements made to him yesterday and the day before are accurate. Judge Whitman made this comment for publication:

Mr. Whitman's Statement.

"Without intimating even who seems to be responsible for the evils that Mr. Croker and others have pointed out to me, I do believe that no more important subject could be put before the Grand Jury than the lax conditions that seem to prevail all over Manhattan. Perhaps the laws are not drastic enough; possibly such laws as we have aren't rigidly enforced; at any rate it will be essential, I think, for the Grand Jury to spread before the public the exact situation. If the right kind of laws are lacking public opinion will get them. If the laws haven't been enforced the Grand Jury may be able to find out who is to blame. Mr. Croker tells me that the shocking conditions at the Asch Building are duplicated all through the factory district and that it has been impossible for him, despite numerous appeals and protests, to make any headway. Fire Commissioner Waldo agrees absolutely with his subordinate. These men have studied conditions and their opinions are worth while. I cannot believe that an occurrence so shocking as that of Saturday can pass without something definite being done to protect the thousands of workers who seem to be helpless as things are now."

Judge Whitman's assistants made yesterday a personal investigation of conditions at the Asch Building. They withheld their opinions until they could report to the District Attorney, but they got light on several matters that will be gone into at the Coroner's inquest; and before the Grand Jury. What they found corroborated all that Chief Croker told their chief when he pointed to the rows of bodies lying in the water along the front of the Asch Building and said: "Judge, it sickens a man!"

What the Assistants Found.

The assistants found that the doors leading to the stairways—three doors, one on each floor—opened inwardly and that all of them were locked. Firemen told the Assistant District Attorneys that when the flames abated so that they could get on the floors they found bodies piled in front of the doors, which indicated to them that dozens of girls had rushed straight for these exits and tried unavailingly to get out. Deputy Fire Chief Binns, one of the first officials on the floors, reported these facts to Chief Croker as soon as he regained the street. The State law provides that such doors shall open outwardly "when practicable." It is left to the discretion of the Building Department, apparently, to determine what is "practicable." But the law is clear enough on the point that the doors must be unlocked during working hours.

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